

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA

Jaquell Antonio McCullum,	)	C/A No.: 1:13-6-JFA-SVH
	)	
	)	
	)	
vs.	)	ORDER
	)	
Nurse Nancy Truluck and Sgt. Wesley	)	
Ingram,	)	
	)	
Defendants.	)	
	)	

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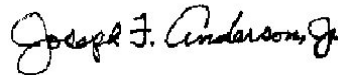
Jaquell Antonio McCullum (“Plaintiff”) proceeding pro se and in forma pauperis, brought this civil rights action, which is construed as brought pursuant to 42 U.S.C. § 1983. Plaintiff alleged violations of his constitutional rights by the following employees of the Florence County Detention Center: Nurse Nancy Truluck and Sgt. Wesley Ingram (collectively “Defendants”). Before the court is Plaintiff’s Notice of Voluntary Dismissal filed on September 17, 2013. ECF No. 45.

“Except as provided in Rule 41(a)(1), an action may be dismissed at the plaintiff’s request only by court order, on terms that the court considers proper.” Fed. R. Civ. P. 41(a)(2). This rule permits a plaintiff to dismiss his case without prejudice, but requires that the plaintiff obtain court approval. *See Marex Titanic, Inc. v. Wrecked & Abandoned Vessel*, 2 F.3d 544, 546 (4th Cir. 1993). The main purpose of the rule is to permit voluntary dismissals freely while safeguarding the non-movant from prejudice. *Davis v. USX Corp.*, 819 F.2d 1270, 1273 (4th Cir. 1987). Generally, a plaintiff’s motion for voluntary dismissal without prejudice under Rule 41(a)(2) should not be denied unless

the defendant will suffer prejudice. *See Andes v. Versant Corp.*, 788 F.2d 1033, 1036 (4th Cir. 1986). Here, there is no indication here that Defendants would be prejudiced by the dismissal. Therefore, Plaintiff's case is dismissed without prejudice.

IT IS SO ORDERED.

September 23, 2013  
Columbia, South Carolina

A handwritten signature in black ink, reading "Joseph F. Anderson, Jr." in a cursive script.

Joseph F. Anderson, Jr.  
United States District Judge